UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1995/152
23 February 1995

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-first session
Agenda items 10 (c) and 12

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Letter dated 14 February 1995 from the Ambassador of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I have the honour to enclose herewith the letter I have addressed to the United Nations High Commissioner for Human Rights concerning the report by Mr. Manfred Nowak on the special process on the missing persons in the territory of the former Yugoslavia (E/CN.4/1995/37), with a request to have it circulated as an official document of the fifty-first session of the Commission on Human Rights, under items 10 (c) (Question of enforced or involuntary disappearances) and 12 (Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories).

(Signed): Vladimir Pavićević

Geneva, 9 February 1995

Excellency,

I am taking the liberty to enclose herewith, in the context of our recent talk, the letter I have sent to the Chairman of the current, fifty-first session of the United Nations Commission on Human Rights, which concerns the act of illegally depriving the representatives of the Federal Republic of Yugoslavia of their badges. This is yet another manifestation of the United Nations bodies' politicization in dealing with human rights and of abuse of these rights by some individuals for certain political purposes, with tacit or active support by a segment of the United Nations Centre for Human Rights secretariat.

The extent to which politicizing of human rights is dangerous and detrimental from the point of view of fighting for promoting and protecting human rights the world over - which is the true objective of the major segment of the international community - can be clearly seen also in the document prepared for the current session of the Commission on Human Rights (E/CN.4/1995/37) by Mr. Manfred Nowak on the special process on missing persons in the territory of the former Yugoslavia.

As you can see for yourself, Excellency, the documents prepared by Mr. Nowak rank among most brutal attempts in satanizing the entire Serbian people, the people that is, over and over again, being pinpointed as the sole culprit for the violation of human rights in the territory of Yugoslavia. Notwithstanding the fact that the mandate of Mr. Nowak, member of the Working Group on Enforced or Involuntary Disappearances, was supposed to be exclusively humanitarian, his entire report consists of allegations which serve as evidence of the supposed guilt of the Serbian party alone, be it in the so-called Bosnia and Herzegovina and the Republic of Serbian Krajina, or in the Federal Republic of Yugoslavia. With this purpose, Mr. Nowak, a United Nations expert from Austria, does not shy from launching evident untruths and tendentious conclusions on, e.g. the running of labour camps by the Federal Republic of Yugoslavia, with Croats and Muslims detained in them, indirectly accusing the Federal Republic of Yugoslavia of summary executions (paras. 49 and 50), with allegations of the supposed responsibility of the Government of the Federal Republic of Yugoslavia for the phenomenon of missing persons in Croatia and the so-called Bosnia and Herzegovina (para. 47), with direct accusations against the Serbian authorities in Bosnia and Herzegovina of "ethnic cleansing" (para. 55), and the authorities of the Republic of Serbian Krajina for missing persons in Croatia (para. 56), etc.

H.E. Mr. Jose Ayala Lasso
United Nations High Commissioner
for Human Rights
Palais des Nations
Geneva

Obviously blinded by anti-Serbian hatred, Mr. Nowak is repudiating the United Nations body he belongs to - the Working Group on Enforced or Involuntary Disappearances - flagrantly violating his mandate, whereby, inter alia, his work on missing persons may not be "accusatory", nor should he "concern himself with the question of determining the responsibility of the alleged perpetrators for the phenomenon of missing persons" (para. 12 of the said document).

It is certain that Mr. Nowak's document is compiled exclusively on the basis of the alleged arguments and data of one party - Croatia, and it is therefore inadmissible for the said document to serve as a foundation for the analysis of such a substantial issue as the problem of missing persons happens to be.

As for the Yugoslav Government, it has been sincerely concerned and actively participating in the overcoming of this problem whenever possible, and to that aim, it is cooperating most directly with the International Committee of the Red Cross. Apart from this, a Joint State Commission, set up on the level of Governments of the Federal Republic of Yugoslavia and Croatia, is dealing with the same problem.

I am more than confident, Excellency, that all those who sincerely care for human rights are genuinely committed to resist such or similar ventures, since these are most detrimental to the reputation of the United Nations bodies, while suiting perfectly well those interpretations whereby one of the aims of the United Nations fight for human rights involves the exercising of political pressure upon sovereign States and peoples.

Confident that genuine principles of fighting for human rights will prevail, I ask you, Excellency, to please accept the assurances of my highest consideration.

(Signed): Vladimir Pavićević